

REMARKS

This responds to the Office Action mailed on April 8, 2008.

Claims 1, 6, 11, are amended, claims 2-3, 7-8, 12-13 have been previously canceled, and claims 19-20 are added; as a result, claims 1, 4-6, 9-11 and 14-20 are now pending in this application. Support for the amendments may be found throughout the specification, and at least on pages 10-11 of the specification.

§ 103 Rejection of the Claims

Claims 1, 4-6, 9-11 and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scott (US 2004/0044872), and in view of Schimmel (US 6,105,113). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. See *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385

(2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Applicant respectfully submits that there are differences between the claims at issue and the combination of Scott and Schimmel.

For example, claim 1 as amended recites two structures, a Remote Translation Table (RTT) and an Emulated Remote Translation Table (ERTT), each capable of maintaining virtual to physical translation data. Claims 6 and 11 also recite both an RTT and an ERTT. Scott discloses one structure, an RTT. Schimmel discloses page table entries. Neither Scott nor Schimmel disclose two separate mechanisms for providing a virtual to physical translation.

Additionally, claims 1, 6 and 11 recite that the system determines that the ERTT is to be used, and the RTT is to be bypassed (i.e., not used) in a virtual-to-physical memory translation. Applicant has reviewed Scott and Schimmel and can find no teaching or disclosure of choosing to use an ERTT and not to use an RTT.

In view of the above, claims 1, 6 and 11 recite multiple elements not found in the combination of Scott and Schimmel. As a result, there are significant differences between the claims at issue and the cited combination. Therefore the claims are not obvious in view of the combination. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 6 and 11.

Claims 4-5 and 16 depend from claim 1, claims 9-10 and 17 depend from claim 6, and claims 14-15 and 18 depend from claim 11. These dependent claims are patentable over Scott and Schimmel for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

New Claims 19-20

Claims 19 and 20 have been added in this response. Support for claims 19 and 20 may be found throughout the specification and at least on pages 10-11 of the specification. New claims 19 and 20 depend either directly or indirectly from claim 1, and are therefore allowable for at least the reasons discussed above regarding claim 1. Additionally, Applicant has reviewed both Scott and Schimmel, and can find no teaching or suggestion of determining to use an ERTT

instead of an RTT based on either an application setting or a kernel mode of operation as recited in claims 19 and 20 respectively.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

October 8, 2008

By

[Signature]

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of October, 2008.

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